

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

SPRING VENTURES LTD., )  
                                  )  
Plaintiff,                 )  
                                  )  
v.                            ) C.A. No. 16-470 (GMS)  
                                  )  
GOOGLE LLC,                 )  
                                  )  
Defendant.                 )

**GOOGLE'S UNOPPOSED MOTION AND [PROPOSED] ORDER TO STAY  
PENDING INTER PARTES REVIEW PROCEEDINGS**

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January 16, 2018

Defendant Google LLC (“Google”) respectfully files this *unopposed* motion to stay this litigation pending the final outcome of Google’s *Inter Partes* Review (“IPR”) petition regarding U.S. Patent 8,661,094 (the “’094 Patent”). Google has conferred with Plaintiff Spring Ventures Ltd. (“Spring Ventures”), and Spring Ventures does not oppose this motion. In support of said motion, Google states:

1. Google filed a timely IPR petition (IPR2017-01653) regarding the ’094 patent on June 20, 2017, and Spring Ventures filed its Patent Owner’s Preliminary Response on October 17, 2017.

2. On January 16, 2018, the PTAB instituted trial on the petition, concluding that Google has demonstrated a reasonable likelihood of prevailing in showing that Claims 1-13, 15, and 16 of the ’094 Patent would have been obvious. A copy of the PTAB’s institution decision is attached as Exhibit 1 to this motion. The PTAB will issue a final decision on the petition on or before January 16, 2019.

3. “The Supreme Court has long recognized that district courts have broad discretion to manage their dockets, including the power to grant a stay of proceedings,” and the Federal Circuit has “consistently recognized the inherent power of the district courts to grant a stay pending reexamination of a patent.” *Procter & Gamble Co. v. Kraft Foods Global, Inc.*, 549 F.3d 842, 848-49 (Fed. Cir. 2008). This discretion to stay pending reexamination of a patent extends to stays pending *Inter Partes* Review. *See, e.g., Bonutti Skeletal Innovations, LLC v. Zimmer Holdings, Inc.*, C.A. No. 12-1107-GMS, 2014 WL 1369721, at \*2 (D. Del. April 7, 2014).

4. In deciding a motion to stay pending an IPR, three factors are typically considered: “(1) whether granting the stay will simplify the issues for trial; (2) whether

discovery is complete and a trial date is set; and (3) whether granting a stay would cause the non-moving party to suffer undue prejudice from any delay, or a clear tactical disadvantage.” *MiiCs & Partners America Inc. v. Toshiba Corp.*, C.A. No. 14-805-RGA, 2015 WL 9854845 at \*1 (D. Del. Aug. 11, 2015) (citation omitted). Here, all three factors support the requested stay.

5. The Court entered a scheduling order on November 9, 2016, which has since been modified in part to extend certain deadlines. [See D.I. 27, 43, 89]. Currently, this case is in the middle of fact discovery, which will continue until February 16, 2018. [D.I. 89]. Over the next several weeks, a number of depositions are scheduled, additional written discovery requests are anticipated, and source code inspection has been scheduled. A February 6, 2018 discovery dispute conference is also scheduled with the Court. Expert discovery has not yet begun. [*Id.*]. Lettered requests for summary judgment are due in April and May 2018, with briefing to follow, if permitted. [*Id.*]. Trial is scheduled to commence on October 9, 2018. [*Id.*].

6. A stay pending the final outcome of Google’s IPR is highly likely to simplify, at a minimum, the issues for trial. Furthermore, a considerable amount of costly fact and expert discovery remains, and summary judgment briefing and trial are months away. Finally, Spring Ventures will suffer no undue prejudice from a stay.

For the foregoing reasons, Google respectfully requests that the Court stay this case pending the final outcome of the IPR.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ *Brian P. Egan*

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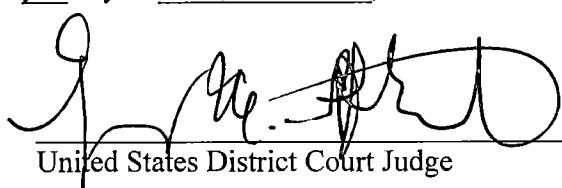
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January 16, 2018

SO ORDERED this 17 day of Jan, 2018



United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on January 16, 2018, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on January 16, 2018, upon the following in the manner indicated:

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